

United States District Court

SOUTHERN DISTRICT OF FLORIDA
FEDERAL JUSTICE BUILDING
99 NORTHEAST 4TH STREET, ROOM 1155
MIAMI, FLORIDA 33132

DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

TEL: (305) 523-5130

TRIAL PRACTICE PROCEDURES

Welcome to Judge Graham's Division. In an effort to alert the parties to issues that frequently arise, the following required procedures have been prepared to assist in the orderly resolution of your case. Keep in mind, these procedures are non-exhaustive and only serve as a supplement to the Federal Rules of Civil Procedure and the Local Rules for the Southern District of Florida.

1. The attached Notice of Status Conference requires the parties to submit a Joint Status Report. This Joint Status Report will serve to satisfy the parties' Rule 16 obligations.
2. After the initial status conference in this case is held, the Court will enter a Scheduling Order to govern proceedings in this case. Please review this Scheduling Order carefully. Calendar all dates with advance ticklers, to ensure your submissions will be filed timely.
3. The Southern District of Florida is one of the busiest trial courts in the country. In order to resolve your case in a timely manner, please refrain from filing motions for extensions of time.
4. Local Rule 5.1.B requires that all papers after the complaint shall be filed with the Clerk where the assigned Judge is chambered. Accordingly, all pleadings shall be filed with the Clerk of Court in Miami, whose address is 301 North Miami Avenue, Room 150, Miami, FL 33128. If pleadings are filed via mail, ensure that they are posted to arrive in a timely manner.
5. In accordance with Local Rule 5.1.A.4, all pleadings, motions, and other papers tendered for filing shall be plainly typed or written on one side with one (1) inch margins on each side and properly paginated at the bottom of each page. In addition, all such papers shall be double-spaced and typed papers shall appear in twelve (12) point font size.

- 6 Do not request extensions of the discovery deadline without making every effort to obtain discovery and resolve discovery disputes. Any requests to extend the discovery deadline must be made **at least five (5) days before** the expiration of the discovery deadline. Generally, the Court will not permit discovery past the discovery deadline, except on occasion at the convenience of the parties and without Court intervention in the resolution of any discovery disputes. Any such accommodation will not result in an extension of the remaining pre-trial deadlines.
7. For all motions requesting extensions of time, the moving party should type on the middle right hand side of the pleading, the deadline for filing motions, the date of the pretrial conference, calendar call and trial period, if applicable. Also, advise the number of times requests for extensions of time have been filed and whether the motion has been referred to the Magistrate Judge. A sample format appears below.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION CASE NO. 06-xxxxx-CIV-GRAHAM/O'SULLIVAN	
A,	<div style="text-align: center;">Plaintiff,</div>
vs.	
B,	<div style="text-align: center;">Defendant.</div>
<div style="text-align: right; margin-right: 50px;">/</div>	
Deadline to file motions: xx/xx/xx Pretrial Conference: xx/xx/xx Calendar Call: xx/xx/xx Trial Period: xx/xx/xx No. of extension requests: _____ Referred to Magistrate: Yes/No	
MOTION FOR EXTENSION OF TIME	

8. Include a proposed order with all motions

9. In accordance with Local Rule 7.1.A.3(a), the moving party must include the position of opposing parties on all appropriate motions. Please indicate with specificity the manner in which reasonable efforts were initiated (via facsimile, e-mail or voice-mail), the dates of such efforts, and the number of times an inquiry and follow up on the response to the inquiry was sought. Failure to comply with Local Rule 7.1.A.3(a) will likely result in denial of the requested relief.

Although the Scheduling Order will contain a deadline to amend pleadings, please make every effort to amend your pleadings as early as possible.

The parties should make every effort to comply with the Scheduling Order. The Court expects the parties to be prepared for trial on the agreed upon scheduled trial date. Over ninety (90) percent of the cases are reached during the scheduled trial period.

12. If the parties elect to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, please have all pleadings filed thereafter indicate that election by typing "**CONSENT CASE**" in bold type under the case number.
13. You will also receive an Order of Reference to Mediation. It is imperative to utilize the mediation procedures as early as possible. If the parties cannot agree on a mediator, they may either seek random selection by the Clerk of the Court, or request that the Court select a mediator for the parties.
14. If the parties believe they may benefit from a settlement conference before the Magistrate Judge, the parties may request the Court to refer the case for a settlement conference at any time.
15. Please keep your service list current to ensure that all orders and other notices are distributed to the proper parties. All filings must include a service list with current information for all counsel and pro se parties, including the name of the attorney or pro se party, which party the attorney represents, the firm name, mailing address, telephone number, and fax number.

16. Local Rule 7.1(b)(3) provides for notification to the Clerk of the Court when any motion has been pending and fully briefed for ninety (90) days. In this Division, if a ripe motion is pending for more than sixty (60) days, please contact Chambers and advise the Judicial Administrator of the pendency of the motion.
17. For additional information, please visit the Court's website located at www.flsd.uscourts.gov.

Thank you for your attention to the above matters. We look forward to the expeditious resolution of your disputes. If we can be of assistance, please file the appropriate motion in a timely fashion.

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